IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald A. Katz   )
)
    Serial No.:   08/306,650   ) Examiner: S. GWOUP 2300
)
    Filed: September 14, 1994   ) Art Unit: 2605
)
    For: TELEPHONIC-INTERFACE   )
                    LOTTERY SYSTEM   )
)
    Docket No.:   228/035   )
                    (prev. 9002-1B680US4 and   )
                    6646-101N5)   )

A M E N D M E N T

September 19, 1997

Assistant Commissioner
        for Patents
Washington, D. C. 20231

Sir:

In response to the Office Action dated June 26, 1997, and
further to the personal interview with the Examiner on August 28,
1997, please amend the above-identified patent application as
follows:

IN THE SPECIFICATION:

On page 1, after the first paragraph, please insert a new
paragraph with the text --Also, this application is a
continuation-in-part of Application Serial No. 08/306,751, filed
on September 14, 1994, and entitled "MULTIPLE FORMAT TELEPHONIC
INTERFACE CONTROL SYSTEM," which is a continuation of Application

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Serial No. 08/047,241, filed on April 13, 1993, and entitled

""MULTIPLE FORMAT TELEPHONIC INTERFACE CONTROL SYSTEM," now U.S.

Patent No. 5,351,285, which is a continuation of Application

Serial No. 07/509,691, filed on April 16, 1990, and entitled

"MULTIPLE FORMAT TELEPHONIC INTERFACE CONTROL SYSTEM," now

abandoned, which is a continuation-in-part of Application Serial

No. 07/260,104, filed on October 20, 1988, and entitled

"TELEPHONIC INTERFACE CONTROL SYSTEM," now U.S. Patent No.

4,930,150, which is a continuation-in-part of Application Serial

No. 07/018,244, filed on February 24, 1987, and entitled

"STATISTICAL ANALYSIS SYSTEM FOR USE WITH PUBLIC COMMUNICATION

FACILITY," now U.S. Patent No. 4,792,968, which is a

continuation-in-part of Application Serial No. 06/753,299, filed

on July 10, 1985, and entitled "STATISTICAL ANALYSIS SYSTEM FOR

USE WITH PUBLIC COMMUNICATION FACILITY," now abandoned; and

Application Serial No. 08/047,241, filed on April 13, 1993, and

entitled ""MULTIPLE FORMAT TELEPHONIC INTERFACE CONTROL SYSTEM,"

now U.S. Patent No. 5,351,285, is also a continuation-in-part of

Application Serial No. 07/640,337, filed on January 11, 1991, and

entitled "TELEPHONIC-INTERFACE STATISTICAL ANALYSIS SYSTEM,"

which is a continuation of Application Serial No. 07/335,923,

filed on April 10, 1989, which is a continuation of 07/194,258,

filed on May 16, 1988, and entitled "TELEPHONIC-INTERFACE

STATISTICAL ANALYSIS SYSTEM," now U.S. Patent No. 4,845,739,

which is a continuation-in-part of Application Serial No.

07/018,244, filed on February 24, 1987, and entitled "STATISTICAL

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ANALYSIS SYSTEM FOR USE WITH PUBLIC COMMUNICATION FACILITY," now

U.S. Patent No. 4,792,968, which is a continuation-in-part of

Application Serial No. 06/753,299, filed on July 10, 1985, and

entitled "STATISTICAL ANALYSIS SYSTEM FOR USE WITH PUBLIC

COMMUNICATION FACILITY," now abandoned.

IN THE CLAIMS:

Please amend claims 24, 38, 40, 45-47, 49-51, 55, 65, 88-90,

95-96, 98, 105, 108-110, 112, and 118, and cancel claims 25, 26,

and 39, without prejudice, as follows:

1   24. (Three Times Amended) A method for conducting a

2 telephonic-interface ticket control operation for use with a

3 communication facility including remote terminal apparatus for

4 individual callers, including voice communication means, and

5 digital input means in the form of an array of alphabetic numeric

6 buttons for providing identification data, comprising the steps

7 of:

8   assigning a predetermined limit on access to an

9 interactive call processing format;

10   receiving dialed number identification signals

11 automatically provided from the communication facility

12 (DNIS) to indicate a called number, wherein said called

13 number is indicative of said interactive call processing

14 format selected from a plurality of different interactive

15 call processing formats under control of said dialed number

16   <u>identification signals (DNIS)</u>;

17   providing an identification number on a ticket, said

18   identification number entered by each individual caller via

19   said digital input means to access said interactive call

20   processing format until said predetermined limit is reached;

21   storing data indicative of an extent of access

22   accomplished for said identification number entered by each

23   individual caller; **[and]**

24   testing said data indicative of said extent of access

25   accomplished against said predetermined limit on access to

26   determine if said predetermined limit on access is reached

27   and further testing to limit access during a predetermined

28   interval of time; and

29   providing a distinct indicia associated with said

30   ticket and co-relating said distinct indicia to at least a

31   portion of said identification number.

1   38.   (Three Times Amended) A telephonic-interface ticket

2   control system for use with a communication facility including

3   remote terminal apparatus for individual callers to call,

4   including voice communication means, and digital input means in

     the form of an array of alphabetic numeric buttons for providing

6   identification data, said telephonic-interface ticket control

7   system comprising:

8   interface means coupled to said communication facility

9   to interface said remote terminal apparatus for voice and

4

10   digital communication with said individual callers <u>wherein</u>

11   <u>dialed number identification signals are automatically</u>

12   <u>provided from said communication facility (DNIS) to identify</u>

13   <u>a called number from a plurality of called numbers</u>;

14   voice generator means coupled through said interface

15   means for providing vocal instructions to an individual

16   caller to enter identification data from a ticket, said

17   ticket having associated therewith a distinct indicia co-

18   ~~related to said identification~~ data;

19   memory means coupled to said interface means for

20   storing said identification data and data indicative of an

21   extent of access accomplished by said individual callers;

22   and

23   qualification means coupled to said interface means for

24   limiting access to said ticket control system based on said

25   extent of access accomplished by said individual callers.

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1   40. (Amended) A telephonic-interface ticket control system

2   according to claim **[39]** <u>38</u>, wherein said plurality of called

3   numbers are indicative of a plurality of different operating

4   formats.

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5   45. (Twice Amended) A method for conducting a telephonic-

6   interface ticket control operation as defined in claim 24,

7   further comprising the step of:

8   receiving digital signals representing <u>calling</u> number

9   identification data associated with said remote terminal

10 apparatus automatically provided by said communication

11 facility.

1   46.   (Amended)   A method for conducting a telephonic-

2   interface ticket control operation as defined in claim 45,

3   further comprising the step of:

4   storing said digital signals representing calling

5   numbers associated with said remote terminal apparatus

    automatically provided by said communication facility.

1   47.   (Amended)   A method for conducting a telephonic-

2   interface ticket control operation as defined in claim 45,

3   wherein said testing step further includes a preliminary test for

4   testing digital signals representing calling number

5   identification data associated with said remote terminal

6   apparatus automatically provided by said communication facility

7   to limit or prevent access to said interactive call processing

8   format.

1   49.   (Amended)   A method for conducting a telephonic-

2   interface ticket control operation as defined in claim [25] 24,

3   wherein at least certain digits of said identification number

4   entered by certain of said individual callers indicate a select

5   subformat.

6

50. (Amended) A method for conducting a telephonic-interface ticket control operation as defined in claim 31, further comprising the step of:

utilizing said bar code indicia for automatic entry of data for [updating] accessing related stored information including said identification number.

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51. (Amended) A method for conducting a telephonic-interface ticket control operation as defined in claim 50, further comprising the step of:

rendering said ticket ineffective by utilizing said bar code indicia to cancel said related stored information including said identification number.

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55. (Amended) A telephonic-interface ticket control system according to claim [49] 40, wherein at least certain digits of said identification data entered by each individual caller indicate a select telephone subformat.

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65. (Amended) A method for conducting a telephonic-interface according to claim 63, further comprising the step of:

generating sequence data for each individual [caller] call.

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88. (Amended) A method for conducting a telephonic-interface ticket control operation as defined in claim [25] 24,

7

3   wherein said called number is a toll free number selected from a

4   plurality of toll free numbers under control of said dialed

5   number identification signals (DNIS).

89.   (Amended)   A method for conducting a telephonic-

interface ticket control operation as defined in claim [25] 24,

further comprising the step of:

utilizing a clock to limit access during said

predetermined interval of time.

1   90.   (Amended)   A method according to claim [26] 24, wherein

2   certain digits of said identification number contain information

3   specific to each of said plurality of interactive call processing

4   formats and said digits are tested for entitlement to access said

5   interactive call processing format selected from said plurality

6   of interactive call processing formats.

1   95. (Twice Amended)   A telephonic-interface control system

2   according to claim [94] 38, wherein said bar code distinct

3   [indica] indicia is machine readable and is utilized for

4   automatic entry of data for [updating] accessing related stored

5   information including said identification number.

1   96.   (Amended)   A telephonic-interface control system as

2   defined in claim 95, further comprising:

3   means for rendering said ticket ineffective by

8

4   utilizing said **[bar code]** machine readable indicia to cancel

5   related stored information including said identification

6   number.

98.   (Amended)   A telephonic-interface ticket control system

2   as defined in claim 38, wherein said ticket bears numerical

3   indicia in addition to **[bar code]** machine readable indicia and

4   identification data indicia.

1   105.   (Amended)   A method according to claim 45, further

2   comprising the step of:

3   processing said data indicative of said extent of

4   access in accordance with said interactive call processing

5   format, and utilizing said digital signals representing

6   calling numbers associated with said remote terminal

7   apparatus for said processing.

108.   (Amended)   A telephonic-interface control system for a

2   game of chance as defined in claim 107, wherein said interface

3   means receives dialed number identification signals automatically

4   provided from the communication facility (DNIS) indicative of a

5   called number, and wherein said bar code indicia is co-related to

6   at least a portion of said identification data and said bar code

7   indicia is utilized for automatic entry of data for **[updating]**

8   accessing purposes.

9

1   109. (Amended)   A method for conducting a telephonic-

2   interface according to claim 63, further comprising the step of:

3   providing a **[bar code]** <u>machine readable</u> indicia on said

4   ticket.

1   110. (Amended)   A method for conducting a telephonic-

2   interface according to claim 109, further comprising the step of:

3   co-relating said **[bar code]** <u>machine readable</u> indicia to

4   at least a portion of said identification data and utilizing

5   said **[bar code]** <u>machine readable</u> indicia for automatic entry

6   of data for **[updating]** <u>accessing</u> purposes.

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1   112. (Amended)   A telephonic-interface control system

2   according to claim 78, wherein said identification data and a

3   **[bar code]** <u>machine readable</u> indicia are provided on a ticket.

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1   118. (Amended)   A telephonic-interface control system

2   according to claim 117, wherein **[said bar code]** <u>machine readable</u>

3   indicia <u>on said ticket</u> is co-related to at least a portion of

4   said identification data and said **[bar code]** <u>machine readable</u>

5   indicia is utilized for automatic entry of data for **[updating]**

6   <u>accessing</u> purposes.

    [Please add the following new claims 119-143.]

1   119. A method for conducting a telephonic-interface

2   ticket control operation for use with a communication facility

10

3   including remote terminal apparatus for individual callers,

4   including a voice communication device, and a digital input

5   device in the form of an array of alphabetic numeric buttons for

6   providing identification data, comprising the steps of:

7   providing dialed number identification signals

8   automatically from the communication facility (DNIS) to

9   provide digital identification data indicating a called

10   number, wherein said called number is indicative of an

11   interactive call processing format selected from a plurality

12   of different interactive call processing formats under

13   control of said dialed number identification signals (DNIS);

14   assigning a predetermined limit on access to said

15   interactive call processing format;

16   providing an identification number on a ticket, said

17   identification number entered by each individual caller via

18   said digital input device to access said interactive call

19   processing format until said predetermined limit is reached

20   and providing visual indicia on said ticket illustrative of

21   a name of a specific interactive call processing format from

22   a plurality of names of interactive call processing formats

23   wherein said visual indicia further includes a specific

24   visual theme associated with said interactive call

25   processing format taken from a plurality of visual themes

26   associated with a plurality of different interactive call

27   processing formats;

28   storing data indicative of an extent of access

29   accomplished for said identification number entered by each

30   individual caller;

31   testing said data indicative of said extent of access

32   accomplished against said predetermined limit on access to

33   determine if said predetermined limit on access is reached;

34   providing a distinct indicia associated with said

35   ticket;

36   prompting said individual callers via a voice generator

37   to enter data;

38   storing at least certain of said data responsive to

39   said prompting step; and

40   co-relating said distinct indicia to at least a portion

41   of said identification number.

1   120.   A method according to claim 119, further

2   comprising the step of:

3   processing at least certain of said data responsive to

4   said step of prompting.

1   121.   A method according to claim 120, further

2   comprising the step of:

3   receiving calling number identification signals

4   automatically provided by the communication facility; and

5   utilizing at least a part of the calling number

6   identification signals to control at least a part of the

7   processing.

12

1   31
    122.   A method according to claim 119, further

2 comprising the step of:

3   concealing at least a portion of said identification

4 number.

1   32
    123.   A method according to claim 119, further

2 comprising the step of:

3   applying an obscuring material to said identification

4 number.

1   33
    124.   A method according to claim 119, wherein said

2 distinct indicia associated with said ticket is machine readable

3 indicia on said ticket.

1   34
    125.   A method according to claim 119, further

2 comprising the step of:

3   utilizing said indicia which is machine readable for

4 automatic entry of data for accessing related stored

5 information including said identification number.

1   35
    126.   A method according to claim 125, wherein said

2 machine readable indicia is a bar code.

1   36
    127.   A method according to claim 119, further

2 comprising the step of:

13

3   recording additional data provided by callers in the

4   form of callers' credit card numbers.

37

1   128.   A method according to claim 119, wherein said

2   testing step further includes testing digital signals

3   representing calling number identification data associated with

4   said remote terminal apparatus automatically provided by said

5   communication facility to limit or prevent access to said

6   interactive call processing format.

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1   129.   A method according to claim 119, wherein access is

2   limited based upon a limited dollar value.

1   130.   A method for conducting a telephonic-interface

2   ticket control operation for use with a communication facility

3   including remote terminal apparatus for individual callers,

4   including voice communication means, and digital input means in

5   the form of an array of alphabetic numeric buttons for providing

6   identification data, comprising the steps of:

7   providing dialed number identification signals

8   automatically from the communication facility (DNIS) to

9   provide digital identification data indicating a called

10   number, wherein said called number is indicative of an

11   interactive call processing format selected from a plurality

12   of different interactive call processing formats under

13   control of said dialed number identification signals (DNIS);

14

14   assigning a predetermined limit on access to said
15   interactive call processing format;

16   providing an identification number on a ticket, said
17   identification number entered by each individual caller via
18   said digital input device to access said interactive call
19   processing format until said predetermined limit is reached
20   and providing visual indicia on said ticket illustrative of
21   a name of a specific interactive call processing format from
22   a plurality of names of interactive call processing formats
23   wherein said visual indicia further includes a specific
24   visual theme associated with said interactive call
25   processing format taken from a plurality of visual themes
26   associated with a plurality of different interactive call
27   processing formats;

28   storing data indicative of an extent of access
29   accomplished for said identification number entered by each
30   individual caller;

31   testing said data indicative of said extent of access
32   accomplished against said predetermined limit on access to
33   determine if said predetermined limit on access is reached
34   and further testing to limit access during a predetermined
35   interval of time;

36   providing a distinct indicia associated with said
37   ticket;

38   prompting said individual callers via a voice generator
39   to enter data;

15

40   storing at least certain of said data responsive to

41   said prompting step; and

42   providing indicia indicating a toll free number for

43   callers to dial from a plurality of toll free numbers, where

44   said indicia indicative of said toll free number is related

45   to a specific one of said visual themes. A

131.   A method for conducting a telephonic-interface

1   ticket control operation for use with a communication facility

2   including remote terminal apparatus for individual callers,

3   including a voice communication device and a digital input

4   device in the form of an array of alphabetic numeric buttons for

5   providing identification data, comprising the steps of:

6   providing dialed number identification signals

7   automatically from the communication facility (DNIS) to

8   provide digital identification data indicating a called

9   number from a plurality of called numbers and wherein said

10   called number is indicative of said interactive call

11   processing format selected from a plurality of different

12   interactive call processing formats under control of said

13   dialed number identification signals (DNIS) and wherein said

14   called number is indicative of said interactive call

15   processing format selected from a plurality of different

16   interactive call processing formats under control of said

17   dialed number identification signals (DNIS);

18   assigning a predetermined limit on access to an

16

19   interactive call processing format;

20   providing an identification number on a ticket, said

21   identification number entered by each individual caller via

22   said digital input device to access said interactive call

23   processing format until said predetermined limit is reached;

24   storing data indicative of an extent of access

25   accomplished for said identification number entered by each

26   individual caller;

27   testing said data indicative of said extent of access

28   accomplished against said predetermined limit on access to

29   determine if said predetermined limit on access is reached

30   and further testing to limit access during a predetermined

31   interval of time;

32   providing a distinct indicia associated with said

33   ticket and co-relating said distinct indicia to at least a

34   portion of said identification number;

35   providing visual indicia on said ticket illustrative of

36   a name of a specific interactive call processing format from

37   a plurality of names of interactive call processing formats

38   and wherein said visual indicia further includes a specific

39   visual theme associated with said interactive call

40   processing format taken from a plurality of visual themes

41   associated with a plurality of different interactive call

42   processing formats;

43   prompting said individual callers via a voice generator

44   to enter data; and

17

45   storing at least certain of said data responsive to

46 said prompting step.

1 **43**
 132. A method according to claim 131, further

2 comprising the step of:

3   concealing at least a portion of said identification

4 number.

1 **44**
 133. A method according to claim 132, wherein said

2 concealing step further comprises the step of:

3   applying an obscuring material to said identification

4 number.

1 **45**
 134. A method according to claim 133, further

2 comprising:

3   using a latex coating as said obscuring material.

1 **46**
 135. A method according to claim 131 wherein said

2 distinct indicia associated with said ticket is a machine

3 readable indicia on said ticket.

1 **47**
 136. A method according to claim 131 further comprising

2 the step of:

3   utilizing said distinct indicia which is machine

4 readable for automatic entry of data for accessing related

5 stored information including said identification number.

1   48.   A method according to claim 42, further

2 comprising the step of:

3   providing said identification data as indicia on said

4 ticket along with said distinct indicia and an additional

5 numerical indicia.

1   49.   A method according to claim 42, further

2 comprising the step of:

3   recording additional identification data provided by

4 the caller.

1   50.   A method according to claim 42, further

2 comprising the step of:

3   recording said caller's credit card number.

1   51.   A method according to claim 42, wherein at least

2 certain digits of said identification data entered by each

3 individual caller indicate a select telephone subformat.

1   52.   A method according to claim 42, further

2 comprising the step of:

3   receiving digital signals representing calling number

4 identification data associated with said remote terminal

5 apparatus automatically provided by said communication

6 facility.

1   142.   A method according to claim 141, further

2   comprising the step of:

3   storing said digital signals representing numbers

4   associated with said remote terminal apparatus automatically

5   provided by said communication facility.

1   143.   A method according to claim 131, wherein said

2   testing step further includes testing digital signals

3   representing calling number identification data associated with

4   said remote terminal apparatus automatically provided by said

5   communication facility to limit or prevent access to said

6   interactive call processing format.

R E M A R K S

This is a response to the office action dated June 26, 1997,
and further to a personal interview with the Examiner on August
28, 1997. The Applicant, Mr. Katz, and his representatives, Mr.
Nilsson and the undersigned appreciate the Examiner's courtesy
during the personal interview. Applicant presents this Amendment
in accordance with the discussions during the personal interview.
By this amendment, Applicant has amended the specification to
indicate a claim to priority from his co-pending Application
Serial No. 08/306,751 under 35 U.S.C. Section 120 and has
variously amended the pending claims to further define them. In
particular, Applicant has amended claims 24, 38, 40, 45-47, 49-
51, 55, 65, 88-90, 95-96, 98, 105, 108-110, 112, and 113, and

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canceled claims 25, 26, and 39, without prejudice. Also,

Applicant is urging the Examiner to reconsider her rejections

based on the arguments and support set forth below and is

presenting certain new claims for the Examiner to consider.

Applicant respectfully requests the Examiner to reconsider this

application and to favorably conclude its prosecution.

I.   Discussion of the Rejection of Claims 56, 58-59, 61-62, and
     78-82 under 35 U.S.C. Section 102(e)

Paragraph 2 of the office action rejects claims 56, 58-59,

61-62, and 78-82 under 35 U.S.C. Section 102(e) as anticipated by

Entenmann et al. (Entenmann). The Examiner takes the position

that Entenmann discloses "a telephonic-interface control system

for a game of chance comprising: interface means (col. 2, lines

54-56); voice generator means (announcement system 17);

processing means (control processor 8); qualification means (col.

2, line 65 - col. 3, line 4); and means for storing (database

19).

With respect to claims 56, 58-59, 61-62, and 78-82, it is

noted that claim 56 is independent and claims 58-59 and 61-62

depend upon it. Similarly, claim 78 is independent and claims

79-82 depend on it.

First taking claim 56 into consideration, Applicant notes

that the disclosure in his predecessor application U.S.

Application Serial No. 07/018,244 (now U.S. Patent No.

4,792,968), from which the present application ultimately claims

priority, supports that claim. The present application is a continuation of U.S. Application Serial No. 07/756,956 (now U.S. Patent No. 5,365,575), which is a continuation-in-part of U.S. Application Serial No. 07/555,111 (now U.S. Patent No. 5,048,075), which is a continuation of U.S. Application Serial No. 07/342,506 (abandoned), which is a continuation of U.S. Application Serial No. 07/194,258 (U.S. Patent No. 4,845,739), which is a continuation-in-part of U.S. Application Serial No. 07/018,244 (U.S. Patent No. 4,792,968). Applicant submits that Entenmann has a filing date of September 1, 1987, which is some months after his predecessor application (U.S. Patent No. 4,792,968) filed on February 24, 1987.

The disclosure that supports claim 56 and each of its dependent claims 58-59, and 61, in Applicant's predecessor '968 patent is identified on the next page. As a matter of interest, it should be noted that Applicant's same patent is prior art to Entenmann.

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Claimed Features	Example Disclosure Locations in the '968 Patent
56. A telephonic-interface control system for a game of chance for use with a communication facility including remote terminal apparatus for individual callers to call, including voice communication means, and digital input means in the form of an array of alphabetic numeric buttons for providing identification data, said telephonic-interface system for a game of chance comprising:	Figure 1; col. 2, lines 45-57; col. 3, lines 12-13 and lines 17-46;
interface means coupled to said communication facility to interface said remote terminal apparatus for voice and digital communication with said individual callers and for receiving automatic number identification data indicative of caller telephone numbers provided automatically by said communication facility;	Fig. 1; col. 5, lines 55-64;
voice generator means coupled through said interface means for providing vocal instructions to an individual caller to enter data associated with said game of chance and identification data;	Fig. 1; col. 3, lines 12-13; col. 3, lines 64-67; col. 4, lines 23-26; col. 5, lines 24-30;
processing means for processing said data associated with said game of chance supplied by said individual callers, said processing means coupled to said interface means and selecting at least one subset of at least one winner for said game of chance from said individual callers;	Fig. 1; col. 2, line 66; col. 4, lines 1-5;
qualification means coupled to said interface means for limiting access to said processing means based upon comparing said identification data with previously stored identification data; and	Fig. 1; col. 3, lines 55-62; col. 4, lines 1-2; col. 5, lines 25-30; col. 6, lines 35-41; col. 8, lines 22-25;
means for storing coupled to said interface means for storing said data associated with said game of chance in association with said previously stored identification data.	Fig. 1; Fig. 2; col. 3, lines 10-13; col. 3, lines 64-68; col. 4, lines 1-3; col. 6, lines 65-68; col. 7, lines 1-10.
58. A telephonic-interface system for a game of chance as defined in claim 56, wherein said qualification means utilizes a look-up table to determine if a limit on access is exceeded.	Fig. 1; col. 5, lines 7-10;

Claimed Features	Example Disclosure Locations in the '968 Patent
59. A telephonic-interface system for a game of chance as defined in claim 56, further comprising a look-up table, wherein said look-up table comprises individual callers' telephone numbers.	Fig. 1; col. 5, lines 62-66;
61. A telephonic-interface system for a game of chance as defined in claim 56, wherein said processing means selects said subset offline subsequent to accumulating data with regard to a multitude of individual callers.	Fig. 1; col. 4, lines 1-5;

With respect to claim 62, Applicant submits that the Entenmann patent does not teach use of an automatic call distributor nor does it suggest using one. Accordingly, Entenmann does not anticipate claim 62 under 35 U.S.C. § 102(e). Even if the Examiner were to find another reference disclosing an automatic call distributor, Applicant submits that there is no suggestion in Entenmann that use of an automatic call distributor would be desirable or advantageous.

Claim 78 is distinct from Entenmann by its recitation of DNIS signals to indicate a called number. Nowhere in the patent does Entenmann disclose or suggest DNIS signals. Nor does the Entenmann patent suggest any advantage to using DNIS signals in the context of its disclosed system. Therefore, claim 78 is not anticipated by Entenmann.

Claims 79 and 80-82 depend on claim 78. Claim 79 is distinct at least for the same reasons urged with respect to claim 78 and additionally because it requires a consumable key test means to qualify callers with respect to limited access, which includes a check digit verification. Entenmann discloses a lottery system in which it is deemed "important to keep a record of how many times a customer has used the lottery to ensure that

a prepaid amount of credit limit is not exceeded." That reference is to value and <u>not</u> to a consumable key, where a specific number of uses are permitted. In addition, Entenmann does not disclose check digit verification as required by claim 79.

Claim 80 is distinct at least for the same reasons urged with respect to claim 78 and additionally, because it requires a look-up table to determine if a limit on an extent of access is exceeded. The Entenmann patent does not indicate how it keeps a record nor how it determines if access by certain persons should be limited. There is no indication of a look-up table.

Claim 81 is distinct at least for the same reasons urged with respect to claim 78 and additionally because it requires selecting a subset offline subsequent to accumulating data with regard to a multitude of said individual callers.

Claim 82 is distinct at least for the same reasons urged with respect to claim 78 and additionally, because it requires that the called number is one of a plurality of called numbers associated with a plurality of distinct operating formats. Not only does Entenmann not teach DNIS signals to indicate a called number, there is no indication that the selected called number is one of a plurality associated with a plurality of distinct operating formats.

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II. <u>Discussion of the Rejection of Claims 57, 60, 63-77, 24-55,</u>

   <u>83-118 under 35 U.S.C. Section 102(e)</u>

A.   <u>Claim 57</u>

Paragraph 4 of the office action rejected claim 57 under 35 U.S.C. § 103(a) as unpatentable over Entenmann. The Examiner takes the position that "Entenmann differs from claim 57 in that it does not specify the use of a check digit. However, the examiner takes Official Notice that this feature is notoriously well known in the art, for example, the use of checksum is conventionally used to test data integrity such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such a notoriously well known validation mechanism for testing the integrity of received data from the caller."

Claim 57 depends on claim 56, which as indicated above is supported by Applicant's predecessor application, now his '968 patent, which not only predates Entenmann, but also was considered as prior art to Entenmann. Claim 57 also is supported by Applicant's same predecessor patent as indicated below.

<u>Claimed Features</u>	<u>Example Disclosure Locations in the</u> <u>'968 Patent</u>
57. A telephonic-interface system for a game of chance as defined in claim 56, wherein said qualification means further comprises a consumable key test means to qualify callers with respect to limited access, said consumable key test means including a check digit verification.	col. 6, lines 36-46

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B.   <u>Claim 60</u>

Paragraph 5 of the office action rejected claim 60 under 35 U.S.C. § 103(a) as unpatentable over Entenmann in view of Troy.

60. A telephonic-interface system for a game of chance as defined in claim 56, further comprising a look-up table wherein said look-up table comprises social security numbers.

col. 5, lines 27-28

Applicant submits that his predecessor '968 patent teaches use of "positively verifiable identification," one example of which is a social security number.

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C.   Claims 63-77

Paragraph 6 of the office action rejected claims 63-77 under 35 U.S.C. § 103(a) as unpatentable over Entenmann in view of Barr et al.   The Examiner takes the position that "Entenmann differs from claims 63-77 in that Entenmann uses a customer's telephone number, rather than a number provided on a ticket, for testing limit [sic, limited] access.   However, Entenmann does provide for the customer entering a lottery code (col. 2, lines 49-54) and Barr teaches the lottery code being on a lottery ticket (col. 3, lines 6-24) such that it would have been obvious to an artisan of ordinary skill to use a lottery ticket number for testing limit access."

Claim 63 is independent and claims 64-77 ultimately depend on claim 63.   Claim 63 explicitly requires the steps of developing a "consumable key number," providing it on a ticket, and receiving and testing it to limit access by a caller to the interactive processing format.   To that end, Applicant submits that Entenmann does not disclose nor suggest a "consumable key number."   At best, Entenmann discloses a lottery system wherein it is deemed "important to keep a record of how many times a customer has used the lottery to ensure that a prepaid amount of credit limit is not exceeded."   Accordingly, Entenmann limits access in a sense only to ensure that a prepaid amount of credit limit is not exceeded, which concerns "value."   A consumable key permits a specific number of uses, which are consumed by use, never to be automatically replenished.

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Claims 64-77 are distinct at least for the reasons urged above with respect to claim 63, and also variously distinct by the various limitations they recite.

D. Claims 24-55 and 83-118

Paragraph 7 of the office action rejected claims 24-55, 83-118 under 35 U.S.C. § 103(a) as unpatentable over Entenmann in view of Barr, and further in view of Muller et al. The Examiner takes the position that "Entenmann differs from claims 24-55, 83-118 in that it does not specify a distinct indicia, or bar code number, co-related to at least a portion of the identification number provided on the ticket. However, Barr teaches the well known use of lottery ticket provided with a lottery number to be entered by dialing in to a provided telephone number and Muller teaches the conventional use of a bar code number co-related to the lottery identification number for the purpose of providing a high level of security when verifying winning tickets (Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a lottery ticket, as taught by Barr, and the use of a bar code, as taught by Muller, within the system of Entenmann."

Claims 25-37, 45-51, 83-93, 105 ultimately depend on claim 24; claims 39-44, 52-55, 94-104, 106 ultimately depend on claim 38; claims 107-108 ultimately depend on claim 56; claims 109-110 ultimately depend on claim 63; and claims 111-115 ultimately depend on claim 78.

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At the outset, Applicant submits that it is only with hindsight that one is able to combine the three references as the Examiner suggests. There is no suggestion in the primary reference Entenmann, that a combination such as defined by the claimed invention is desirable or advantageous. Entenmann is directed to a lottery system that does not issue tickets. Barr '004 discloses cards for use in groups to attain a secondary telephone number. Also, Barr is directed to the use of a plurality of cards to provide cumulative indicia. Such operation is different from Applicant's system and bears no suggestion of a single or multiple format groupings with internal unique identification numbers and associated telephone numbers. Muller discloses lottery cards using bar codes. However, the primary purpose of using bar codes in Muller is for security reasons, rather than to facilitate automatic entry of the identification numbers to gain access to stored data.

In particular, with respect to claim 29, in Barr, the telephone number is concealed, whereas in Applicant's system it is the unique identification number that is concealed (not the telephone number). In Barr, see column 1, line 43 and column 2, line 30, and continuing.

Claims 111-115 are dependent on claim 78 which is distinct from Entenmann for the reasons urged above with respect to DNIS. Also, neither Barr nor Muller disclose DNIS.

Applicant submits that the rejected claims are distinct from the combination suggested by the Examiner and requests the

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Examiner to allow them.
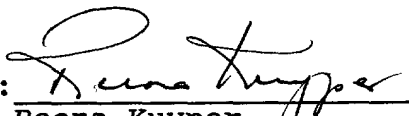
E.   Discussion of the New Claims

Applicant is introducing new claims 119-143 for the Examiner to consider. The new claims define variations in previously claimed combinations. Claims 119, 130, and 131 are independent and claims 120-129 depend on 119 and claims 132-143 depend on claim 131.

Favorable consideration and allowance of these claims is respectfully requested.

S U M M A R Y

Based on the above amendments and arguments, Applicant requests favorable consideration and allowance of all the pending claims.

Respectfully submitted,

By: _____

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Docket No. 228/035
            (prev. 9002-1B680US4 and
                    6646-101N5)

6646\101N5\AM2

103- $484.00
102- $240.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ronald A. Katz	)
		)
Serial No.:	08/306,650	)
		) Examiner:
Filed:	September 14, 1994	) S. Woo
		)
For:	TELEPHONIC-INTERFACE	) Art Unit: 2605
	LOTTERY SYSTEM	)
		)
Docket No.:	228/035	)
	(prev. 9002-1B680US4	)
	and 6646-101N5)	)

TRANSMITTAL LETTER

September 18, 1997

Assistant Commissioner
     for Patents
Washington, D. C. 20231

Sir:

Transmitted herewith for the above-identified application is an Amendment, an accompanying check in the amount of 1538, and a Revocation and Grant of Power of Attorney.

The fee for claims has been calculated as shown:

	Remaining After Amendment	Highest Number Previously Paid For	Extra Present	Rate Small Entity	Large Entity	Additional Fee
Total	117	− 95	= 22	x 11	x 22 =	$ 484
Indep.	8	− 5	= 3	x 40	x 80 =	$ 240
1st presentation of multiple dep. claim				+ 130	+ 260 =	$ 0
Total additional fee						$ 724

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A check in the amount of $724 is enclosed. Also, please charge any deficiencies, or credit any overpayment, to Deposit Account No. 12-2475.

Respectfully submitted,

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